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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THE UNITED STATES OF AMERICA,
Plaintiff,

vs.

REYES DANIEL RUIZ,
Defendant.

Case No.: 5:19 CR 00159 EJD

STIPULATION AND [PROPOSED] ORDER
TO VACATE STATUS CONFERENCE AND
RESET FOR CHANGE OF PLEA AND TO
EXCLUDE TIME UNDER THE SPEEDY
TRIAL ACT

STIPULATION

Plaintiff, United States of America, by and through its counsel of record, Assistant United States Attorney Daniel Kaleba, and Defendant, by and through his counsels of record, hereby stipulate as follows:

1. The parties are set to appear on August 19, 2019 at 1:30 p.m. for status. By this stipulation, Defendant now moves to vacate the status conference and reset the matter for change of plea to be heard on September 30, 2019. Defendant also moves to exclude time from August 19, 2019 to September 30, 2019.
2. Defendant's counsels need the additional time for preparation based on the amount of discovery. Counsels for the defendant believe that failure to grant the above requested

1 continuance would deny counsels the reasonable time necessary for effective preparation,
2 taking into account the exercise of due diligence, and the Government does not object to
3 the continuance.

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5 3. Based on the above-stated findings, the ends of justice served by continuing the case as
6 requested outweigh the interest of the public and the Defendant in a trial within the
7 original dates prescribed by the Speedy Trial Act.

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9 4. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq,
10 within which trial must commence, the time period of August 19, 2019 to September 30,
11 2019, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv),
12 Local Code T4, because it results from a continuance granted by the Court at the
13 defendant's request on the basis of the Court's findings that the ends of justice served by
14 taking such action outweigh the best interest of the public and the defendant in a speedy
15 trial. Nothing in this stipulation and order shall preclude a finding that other provisions of
16 the Speedy Trial Act dictate that additional time periods are excludable from the period
17 within which a trial must commence.

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19 5. Therefore, by this stipulation, defense respectfully requests that this Court vacate the
20 status conference and reset the matter for change of plea hearing to September 30, 2019
21 at 1:30 p.m.

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23 IT IS SO STIPULATED.

24 Dated: July 29, 2019

Respectfully submitted,

25 DAVID L. ANDERSON
United States Attorney

26 _____/s/ Daniel Kaleba_____
27 DANIEL KALEBA
Assistant United States Attorney
28

1 Dated: July 29, 2019

_____/s/ Mary Ann F. Bird_____
MARY ANN F. BIRD
Attorney for REYES DANIEL RUIZ

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4 **[PROPOSED] FINDINGS AND ORDERS**

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6 IT IS SO ORDERED.

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8 DATE:

9 HONORABLE EDWARD J. DAVILA

10 UNITED STATES DISTRICT JUDGE
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